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THE  
NATURE and USEFULNESS  
OF  
Solemn Judicial SWEARING,  
WITH THE  
IMPIETY and MISCHIEF  
OF  
Vain and False-SWEARING :

IN A  
SERMON

Preached July 14<sup>th</sup>, 1681.

IN THE  
Cathedral Church of S. PETER  
IN

Y O R K,  
At the ASSIZES for that County.

By THO. COMBER, D.D.

Prebendary of YORK

*And thou shalt Swear the Lord liveth, in Truth, in  
Judgment, and in Righteousness, Jerem. IV. 2.*

L O N D O N,

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## HEBREWS VI. 16.

*For Men verily swear by the Greater,  
and an Oath for confirmation is to  
them an end of all strife.*

**A**S Almighty God is the Creator, so he is also the Governour of all the World, and hath an unquestionable right to rule over every Creature; He was the Maker, and *is the Judge of all the Earth* (a). And though he doth not exercise this Power immediately, because mortal Men cannot suffer the glories of his dazling and illustrious presence, yet he ordains the Rulers of the World to be his Vicegerents: *There is no Power but of God, the Powers that be are ordained of God* (b); and he expects we should be subject to them for his and for Conscience sake (c); since their Authority is of Divine Original, which the Scripture intimates, in calling Judges by the name of

B

Gods

(a) Gen. 18.  
25.  
(b) Rom. 13.  
1.  
(c) Ibid v. 5.  
1 Pet. 2. 13.

(d) Exod. 23. 28. *Κεῖται ἕλεος ὧν Οἱ πατέρες πνι' ἱεραίων ἔθεν*  
*Orig. in Cels. 1. 4.* Gods (d) (a Title commonly given them by the Jews) as also in declaring, *They judge not for Man, but for the Lord* (e); whence one of the Ancient Fathers brings in Almighty God thus speaking to the Judges, *I have given you my Honour, my Commission, and my Name, therefore do you Judge as I myself would do* (f). Yea it was Law (g), and Custom (h), both of old in this Nation (as our own best Authors inform us) *To place the venerable Book of the holy Gospels before the Tribunal of Justice*: as an Emblem, that they judged by his Authority. But there is no clearer evidence of the Divine Original of Humane Judicatures, than the solemn use of *Oaths*, there: Which are a plain recognizing God as the Supreme Judge of all, and an Appeal to the High Court of Heaven; For though the Sovereign of the World do communicate his Authority to our Magistrates, yet his Attribute of *Omniscience* is incommunicable; they are capable of representing his Person, but not able to discern the hearts and thoughts of others. Wherefore since there is one part of God's Judicial Perfections that no mortal Judge can receive, viz. the knowledge of Mens Thoughts,

(e) 2 Chron. 19. 6.

(f) \* *Εδωκα ὑμῖν, πῶς τὴν ἐμὴν καὶ τὴν πατρὶν, καὶ τὴν κληρονομίαν ὡς ἐν ἐμῇ κείνοιτο*  
*ἢ τὴν κείνοιτο*

Resp. ad Orthodox. Quest.

142.

(g) *Sarishuriens. Polycr. lib. 5. c. 12.*

(h) Chron. Wil. Thorn. col. 2048.



Thoughts, a point so necessary, that no infallible and certain Judgment can be given without it: Therefore in all Controversies, where the Parties make contrary affirmations, there lies an Appeal *to the greater* (i) and higher Judge, that is, to God, the greatest of all; which Appeal being in order to end the strife, and to find out which of the contradicting Parties speaks true, is called *an Oath*, and here described by the Apostle, when he saith, *For men verily swear by the greater, &c.*

(i) ὁ μέγας  
in the Text,  
Hellenistic  
Comparati-  
vum pro Su-  
perlativo, i.e.  
ὁ μέγας &c.

And certainly this use of Oaths is very sacred and most necessary, being a clear manifestation of God's glory, an evident testimony of the Divine Original of the Magistrates Power, and the great support of the administration of that Justice which is the Bond of all Societies. But yet there are some so ignorant and absurd as to deny they are lawful, others so stupid and inconsiderate to take them without reverence, and swallow them as Common things; yea, too many so Impious to use them to gain credit to what they know to be false. For the redress of which dangerous Errors and Impieties, I suppose it will be a very seasonable and use-

ful undertaking upon this Occasion to explain this piece of holy Scripture,

*For men verily swear, &c.*

Wherein we will first consider the Apostles general design in this place, which will prove the lawfulness of Taking Oaths in Judicial cases. Secondly, we will observe the several particulars contained in the words; which represent to us, 1. The nature of an Oath, *For men verily swear by the greater.* 2. The reason of an Oath, *viz. for Confirmation.* 3. The end and use of it in Judgment, to be *an end of all strife.* And since a Religious Oath is the foundation of all our Administrations of Justice, the main hinge upon which all these Controversies turn, the only security that the Reverend Judges, the Jurors, and the Witnesses do give, that they will speak and act uprightly: doubtless no Subject can be more suitable or advantageous for this time and place; which therefore we will prosecute in our proposed Method.

First, We consider the Apostles general design, and the occasion of bringing in these words here: And we may observe, He is here perswading the *Hebrews* to imitate their Pious

Ar-

Ancestors, in relying on the Truth of God, exhorting them *to be followers of them, who by Faith and Patience inherited the Promises*, v. 12. adding, that the Promise it self was worthy to be trusted, because it had the highest and most solemn confirmation imaginable, being secured by *the Oath of God*, and that no common Oath neither. Not such as the Poets

feign the Heathen gods took, whom *Lactantius* derides for their swearing by the *Stygian Lake*, a thing meaner than themselves (k).

(k) *Lactant.*  
Instit. l. I.  
c. 11.

But as Sovereign Princes having no equal in their Kingdom whose witness can add any Authority to their solemn Acts, conclude them with a *Teste meipso*, and are witnesses to themselves: so the King of Kings, when he made the Promise to Abraham, because he could swear by no greater, *swore by himself*, Ver. 13, 14, 15. Confirming his promise (saith Philo) by an Oath worthy of God,—and therefore he did not swear by any other, because there was none greater nor better than he (l).

And lest any should object, What need was there for the God of Truth to swear, who is so far from being made more credible by an Oath (as the same Philo notes) that he only makes an Oath to be firm (m);

(l) *Philo* legis Allegor. l. 2. pag. 98.

(m) *Philo* de sacr. Cain & Abel, p. 146.

and

(n) *Ambros.*  
de cod. T. I.  
p. 147.

and (as *S. Ambrose* speaks) *He alone is the Judge of them that Swear, and the Avenger of them that Swear falsely* (n). Therefore the Apostle prevents that scruple, in the words of the Text, by declaring that an Oath was not necessary with respect to God, who made the Promise, but in compliance to Men who were to receive it; in condescension to their infirmity, He was content to imitate humane Customs, and to give the same security for his own truth, which men are wont to give for theirs; *For men verily swear by the greater, &c.* that is, This is the way (saith our Apostle) by which men confirm things uncertain, this is the method they use to conclude, *πασὴν ἀντιλογίαν*, all doubtful Controversies where one affirms what the other denies, the highest and best Means they have to end this strife (which otherwise would not cease) is to make the Parties swear by the Name of God. And the Divine Majesty was pleased to take our measures in transacting his Covenant with us, for he swear to confirm it, not by a greater indeed (as we do) because there was no greater, but by himself. *Gen. xxii. 16. By my self have I sworn, saith the Lord, &c.* and upon this  
Abra-

*Abraham* did believe the Promise, and so ought we also.

Now from the words thus explained we infer, *That it is lawful for Christians to use an Oath for confirmation in solemn Cases.* We see that God did take an Oath, and if Oaths were evil in themselves, 'tis certain God would not swear (o), since he can neither do nor be tempted to do evil, *James I. 13.* yea his Swearing certainly proves, it is good in its own nature: and His Oath being designed to comply with humane custom, as a confirmation of the Truth of his Word on a great and just occasion; by this Imitation and design, God hath ratified and approved our solemn use of Oaths in deciding differences. This one Act of his declaring it lawful to swear in all such cases. Besides, the Apostle here relates the use of Oaths in Judgment, supposing it universally practiced by *Gentiles, Jews, and Christians* at that time; for he saith (not ye *Hebrews* swear, or ye (before your Conversion) did swear; but) *Men verily swear, &c.* that is, all Men do it now. Nor doth he on this occasion give any intimation either of his dislike of this general custom, or that it was not to be allowed

(o) *Si enim  
per se malum  
esset jurare  
profecto Do-  
minus non  
jurasset.*

*Decret. l 2.  
Tit. 24. c. 6.  
p. 895.*

allowed to the Christians so to do: wherefore we may conclude from his recording this usage without making any exception to it, and his justifying it from the example of God himself, that the Apostle did allow and approve this use of Oaths.

But our obstinate Adversaries, without considering how to answer these Arguments, will presently object, That Christ saith, *Swear not at all*, Math. V. 34. and S. James adds, *Above all things, my Brethren, Swear not*, Jam. V. 12. as also that some of the Ancients, as well *Heathens* as *Christians*, seem by some pickt Sentences to forbid all use of Oaths.

To which I shall reply, That since 'tis impious to suppose those Scriptures can contradict this Text, it is reasonable to believe, that some other kind of Swearing is there forbidden, and not that which is commended here; and it is very plain to unprejudiced Men, that our Saviour is speaking of no other Oaths, but those used in common discourse, for the next words are, *but let your communication be yea, yea, nay, nay*, ver. 37. which shews, he was treating only of *Oaths* in our ordinary Communication, which might be wholly prevented



vented, if in our common talk we barely affirmed things by a plain *yea*, or *yes*, or barely denied them by a plain *no*, or *no*: and the instances he gives of swearing by *Heaven*, by *Earth*, by *Jerusalem*, and by *their Head*, ver. 34, 35, 36. were all of that sort of Oaths which the *Jews* used in their usual discourse, and not one of them was ever used in Judgment, where they only swear by *the living God*, *Math.* xxvi. 63. Indeed the *Pharisees*, to take the *Jews* off from the wicked custom of ordinary Swearing by Gods Name, did allow them in their common talk to swear by these lesser things, perswading them there was little danger in them, and no great obligation by them, *Math.* xxiii. 16, &c. But *Jesus* reproves this false gloss of the Third Commandment, declaring, that in our Communication one with another we must not swear at all, neither by God nor the Creatures; for in our usual discourse a bare Yes or No is enough, and whatever is more, comes from either the evil custom of the Speaker, or the evil and jealous temper of the Hearer. And *S. James* only repeats and applies his Masters words, warning the Christians to take great heed they did not use that liberty given them



(p) Jam. 5.  
 12. Græc.  
 ὁμοῦ καὶ  
 ἀλλοῖς libr.  
 leg. εἰς ὁμοῦ  
 οὖν. Vid. E-  
 rasim. Vers.

by the Jewish false Teachers, to swear in their usual talk by Heaven, or by Earth, or any other Oath; but to be sure always to affirm what was to be affirmed by a plain, Yea, and deny what was to be denied by a single, Nay; lest they fell under Gods condemnation for profaning his Name (p); or (as some of the best Copies read) *Lest by a common careless use of Oaths, they fall into that accursed Hypocrisie of binding rash and false words with Oaths, as customary Swearers use to do.* This is all can be fairly inferred from these two places, and therefore we conclude, they forbid only Common Swearing, and not that Religious and Solemn Swearing in Judgment, which this Apostle here approves and commends.

(q) Apostolus  
 utique nove-  
 rat præcep-  
 tum Domini,  
 juravit ta-  
 men. Aug.  
 in Ep. Galat.  
 cap. 1.

And the Practice of the best Christians abundantly assures us, it was never believed that solemn Oaths on great Occasions were forbidden in the Gospel. *This Apostle S. Paul, who certainly knew his Masters mind (saith S. Augustine) did Swear (q); for his saying in weighty cases, God is my witness, Rom. I. 9. and, Behold, before God I lie not, Galat. I. 20. are as plain Oaths (in that Father's Opinion) as can be spoken.* And though the Primitive Christians refused to Swear by the Emperors Genius,

or

## (II)

or by any of the *Dæmons*, since thereby they had acknowledged them to be gods; yet *Tertullian* saith expressly, *But we also swear, By the Emperors Safety* (r), that is, by God, who is the Author of it. 'Tis certain the Christians were Souldiers under Heathen Emperors, and yet they could not be list'd without taking an Oath, which was given to the Souldiers still, even when the Emperors were become Christian, only with some alteration in the form; For then they swore, *By God, and Christ, and by the Holy Ghost; By the Majesty of the Emperor, which next to God is to be loved and honoured of all* (s). And *Optatus*, who lived at the same time, saith, *God is wont to be named by Men in swearing to confirm the Truth* (t). An ancient and genuine Synodical Epistle, written from the Orthodox Bishops about *Alexandria*, An. 339. declares, That the Christian People there bound these Bishops by Oath, to choose *Athanasius* for their Pastor (u), and mentions *Eusebius of Nicomedia*, accusing the said *Athanasius*, and swearing to the Accusation (w). And the same Holy Confessor, *Athanasius*, in his Apology to the Emperor, clears himself by an Oath from those Slanders (x). *Theophronius*, a Christian

(r) *Tertul. Apol. cap. 32. p. 28.*  
 (s) *Vegetius de re Militari, l. 2. c. 5. circ. An. Christi 370.*  
 (t) *Optat. Milev. lib. 2. pag. 58.*  
 (u) *Epist. Synodal. ap. Bin. Tom. 1. p. 1. pag. 403.*  
 (w) *Ibid. p. 404.*  
 (x) *Μαρκος τὸν Θεὸν ἰσχυροῦμαι ὁμολογεῖν τὴν ἐμευτοῦ ψυχὴν. Apolog. ad Constant. Tom. 1. pag. 674.*

(y) Binius, Bishop, begins his Confession of Faith in the Council of *Antioch*, *An.* 341. with a solemn Oath (y). *Synesius* likewise, a Primitive Bishop, being chosen Arbitrator in a certain Controversie, makes one of the Parties who was of the Episcopal Order, *bind his Promise by an Oath* (z). *S. Hieron* relates the solemn Oaths, wherewith *John* Patriarch of *Jerusalem* (a), and *Ruffinus* (b), did confirm their Assertions; and though both these were his Adversaries, and he bitterly inveighs against them for small Crimes, yet he blames them not for Swearing: and he also observes, that *S. Augustine* swears to confirm an Assertion, yet never checks him for it, though he was then angry with him (c). A whole Council of Bishops judging *Sabatius* unworthy of the Episcopal dignity, made him swear, never to accept it (d). And the Moderator of the Conference at *Carthage*, between the Orthodox and the Donatists, solemnly swears, *by the Holy Trinity*, he will judge impartially (e). Yea, the Civil Laws of *Arcadius* and *Honorius*, decree severe penalties to them who would not stand to those Agreements which they had confirmed by an Oath, either *by the Name of God, or by the safety of the Emperor* (f). And

*salutem Principum, confirmationem imitarum iuraverint esse pactionum.* Cod. Justin. l. 2. tit. 4. Pl. 41. Si quis, &c. in

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(z) *Ορκιστην την υποσχεσιν βαλων.*

*Synel. Epist.*

67. pag. 213.

(a) *Hieron.*

*advers. Joh.*

*Hierosol.*

*Tom. II. pag.*

259.

(b) *Idem adv.*

*Ruffin. A-*

*pol. Tom. 2.*

p. 323.

(c) *Hieron.*

*Epist. 90.*

*Tom. 2. pag.*

538. & *Ep.*

92. pag. 541.

(d) *Socrates*

*hisor. lib. 5.*

*cap. 2c.*

pag. 694.

(e) *Collat.*

*Carthag. l.*

*Cap. 5. apud*

*Bin. Tom. 1.*

pag. 648.

(f) *Invocato*

*Dei Omnipotentis nomine*

*— & PP. —*

*salutem Prin-*

*cipum, con-*

*firmationem*

*imitarum ju-*

*raverint esse*

in the Council of *Toledo* the Prince adjures his Bishops most solemnly to determine uprightly (g). By these, and innumerable more Instances (which we have omitted, either as more common, or of later date) it clearly appears, that the Primitive Christians did think solemn Oaths lawful, and frequently used them: Nor were any Oaths forbidden by the ancient Canons, but only *Pagan Oaths* (h); they indeed who used them, were to be Excommunicated. But none ever pretended, that Christian Oaths by the Name of the True God were forbidden by the Gospel, till the gross Times of Popery; and then *Turgot* and *Aldwin*, two Fanatick Monks of *S. Cuthberts*, being in *Scotland*, refused to swear Allegiance to King *Malcolm*, on pretence, *Swearing was forbid in the Gospel* (i); though these Hypocrites had Sworn to the Rules of their Orders before. And a little after the Monks of *Castellion* had some scruples, whether it were lawful for them to Swear, alledging the same Texts and Reasons that our modern Sectaries urge, as may appear by *Innocents* Answer to them (k). Wherefore it is from Popish Enthusiasts, and not Primitive Christians, that our deluded Quakers learn to refuse all Swearing.

But

(g) *Concil. 8. Toletan. An. 653. Bin. Tom. 2. par. 2. p. 484.*

(h) *Opus Edwini. Basil. Mag. Can. 81. ap. Bevereg. Tom. 2. p. 13. & Concil. in Trul. Can. 94. Bever. T. 1. p. 270.*

(i) *Evangelicum praeceptum servantes. Simeon Dunelm. l. 1. cap. 22.*

(k) *Decretal. lib. 2. tit. 24. cap. Et si Christus, al. 894.*

But this short and clear account of the Sense of Holy Scripture, and the Opinion and Practice of the best Christians may abundantly satisfy all that are unprejudiced, That Solemn Oaths in Judgment, are not only very lawful, but useful and necessary, and have been used by all Men of all Religions as most Sacred things: *For Men verily swear, &c.* that is, all Men do so, and God imitates the use, and *S. Paul* records it with approbation. Yet, that Mens irreverent taking, and impious breaking of Oaths, may not prejudice this useful Institution, nor be an offence to such as are really tender; I shall pass from this proof of the Lawfulness of Swearing in general, to consider the Particulars of the Text: wherein,

First, the nature of an *Oath* is implied in these words, — *καὶ τὸ μέγιστον ὁμνέουσιν* *For Men verily swear by the greater.* Whence it appears, that an Oath is an Appeal to a Higher Power, to One Greater in knowledge, who sees if we deceive, and cannot be deceived; to one Greater in Integrity and Truth, who will not connive at Falshood, nor respect Persons; to one Greater in Power, who can as easily punish as find out Perjury, and cast the Perjur'd wretch



wretch into Hell Fire: wherefore every Oath ought to be made by the Supream Being, and all that define it, say, it is, *The calling God to witness* (l). *The giving God for the security of our Fidelity* (m); and is not to be used, but only when our words cannot be made certain without calling in the Divine Majesty (n). And hence it is made a Duty, and reckoned a part of Religious Worship, to Swear by the True God, *Deut. vi. 13.* and because Oaths in Judicature were always made by Gods Name, therefore such an Oath is called, *An Oath of the Lord*, *Exod. xxii. 11.* and some think *Solomon* gives the Oath of Allegiance that Name, when he bids us obey the King, *because of the Oath of God*, *Eccles. viii. 2.* Indeed all Nations are wont to swear by their proper gods; so that there is the same variety in Mens Oaths, that is, in their Religion. In the League between *Hannibal* and the King of *Macedon*, they swear by above Twenty several gods of *Afric* and *Greece* (o). And in an older general League among all the *Grecian* Cities, every place was to take their *Country Oath*, and swear by the greatest Deity of their own City (p). So the Heathen Poet requires the *Jew* to swear to him by *Anchialus*, that is, as the Ro-

mans

(l) *Μαρτυρία*  
*Θεῶν* Philo

leg. alleg.

(m) *Πιστὸς**ἐμπίστος* Θεῶν

Nazianz.

(n) *Θεὸς ἀνα-**πόμενος, μετὰ**τοῦ αἵματος**Ἀριστοτ.**Rhet. c. 18.*(o) *Polybii,*  
*histor. lib. 7.*(p) *Τὸν ἐμ-**χαιον ὅρκον*

— &amp; p. p.

*τὸν μέγιστον ἐξ**ἐκείνης πόλεως**Thucyd.*  
*hist. l. 2.*

(q)—*jura*  
*per Anchia-*  
*lum.*

*Martial.*

*J.ii.ep.60.*

(r)*Digest.*

*lib.5.Tit.*

*De juram.*

*Jus Græco-*

*Rom. T.1.*

*pag 119.*

(s)*Gen.31.*

54.

(t)*1 Kings*

8.31.

*Si aram te-*

*nens juraret.*

*Cicero pro*

*Flacco.*

(u)*Contin-*

*gens ipsa si-*

*mulachra &*

*pulvinaria*

*Deorum.*

*Tuſtin.hiſt.*

2.24.

*mans* falſly pronounced, by the living God;  
: אלהים (q) And the Chriſtians made  
the Jews ſwear by the Hebrew Names of  
God, *Adonai, Sebaoth, Elohim, &c.* (r). And  
from this belief, That in an Oath a man ap-  
pealed to the God he worſhipped, ſprang the  
cuſtom of Sacrificing, when Men did ſo-  
lemnly Swear (c). And the uſe of going into  
the Temples and touching the Altars, when  
they took a Religious Oath (t), to put them  
in mind they were in the immediate preſence  
of that God by whom they ſwore. To which  
end alſo the *Gentiles* ſometimes in ſolemn  
ſwearing touched the Images of their gods.  
(u). Whence the Papiſts (the groſs Imita-  
tors of Pagan Superſtition) have derived  
their Swearing upon the Reliques and Images  
of their Saints, to whom they do by this  
Act give the honour due to God only. As  
for us, We ſwear by no other Name, but on-  
ly by the Name of GOD, laying our hands  
upon the Holy Bible, becauſe all the Promi-  
ſes made to *Truth*, and the Curſes againſt *Per-*  
*jury*, are written there, devoting our ſelves to  
want all the good therein promiſed, and to  
ſuffer all the evil therein threatned, if we  
ſwear falſly: And we make God himſelf the  
ſole



sole Judge of that, to whose Omniscience, Truth, and Omnipotence, we appeal, as knowing our heart, and call on him as the Witness of our Truth. So that this kind of Swearing is an Act of Religion, a part of Divine Worship, and was anciently called by the name of *Religion* it self (w), and had the Title of *Sacramentum*: For there is no way in the World by which we do more honour the Wisdom and Power, the Justice and Truth of God, than by this highest Appeal; and therefore it is a part of his Honour, which he will not give to any other, nor can we swear by any Creature without being guilty of Idolatry; the Creatures are our Fellow-servants, and not enough above us to be the objects of our solemn Oaths: *For Men verily swear by the Greater, &c.*

(w) *Fusjurandum est affirmatio religiosa.*  
Cicero de Off. l. 3.  
*Primum militie vinculum est religio.* Senec. Ep. 95.

Now from this account of the nature of an Oath we infer two things: First, That *Oaths* are a part of that Religious Worship due only to God, and so it is not lawful to swear by the Creatures. The *Pharisees* of old permitted it, out of a pretended Reverence to the Name of God; but *Christ* and *S. James* both forbid it. As for the Heathens that worshipped the Creatures, no wonder if

D

they

they swore by them; but it was a silly Superstition in *Socrates*, to swear by any thing he saw, as a Dog, or a Goose, &c. that so he might avoid swearing by those he esteemed gods, as *Apollonius* makes the excuse for him (x): and the Ignorance of the *Mahometans* may make some Apology for their Swearing by ordinary Beings, since their great Prophet swears in his *Alcoran*, By the Wind and Clouds, by the Stars, and by Mount Sinai: But who can excuse Christians for this wicked Custom of swearing by the Creatures in ordinary discourse, contrary to Christ's express Precept? I am sure *Tertullian* reckons these kind of Oaths to be one sort of Idolatry (y); and the Custom is both foolish and impious, *Foolish*, because they swear by that which is less, or not greater than themselves, which neither knows if they Forswear, nor can punish their Perjury; *Impious*, because it gives Divine honour to a Creature: a Sin so gross that the later *Rabbins* do condemn it, and one of them says, *He that swears by any thing besides the Name of God, shall be rooted out of the World* (z). So that we may well suppose these vain and wicked Oaths among Christians, are Reliques of Pagan Idolatry, that

(x) *Apol-*  
*lon. ap. Phi-*  
*lostr. l. 6.*  
*cap. 9.*

(y) *Consue-*  
*rudinis viri-*  
*um, dicere*  
*mehercule,*  
*aut medius*  
*fidius, acce-*  
*dente igno-*  
*rantiâ quo-*  
*rundam qui*  
*ignorant ius-*  
*jurandum*  
*esse per Her-*  
*culem.*  
*Tertul. Idol.*  
*c. 21. pag. 98.*  
(z) *Moses*  
*Mikorzi,*  
*Præcep. affir.*  
*113.*

that have continued ever since the Creatures were worshipped as gods; as the swearing by *Saints* and *Angels* is a remnant of Popish Superstition, introduced by those who first gave them Divine honour, and therefore to be utterly rejected by us, together with those Evil Principles upon which they began.

Secondly, we infer from the former description of an Oath, That when we do Swear by the Holy Name of GOD, we should do it with all the solemnity of a Grave and Religious Reverence, remembering it is an Address to one infinitely *Greater* than our selves, even to the God we daily worship. We ought to think upon his All-seeing Eye, his Almighty Arm, and his utter detestation of all Falshood; we should consider well the Glory of his Majesty, the Infiniteness of his Wisdom, the Exactness of his Truth, the Severity of his Justice, and the Terror of his Wrath; and this would make us call him to Witness even the most certain Truth with holy Fear and Reverence; This would instruct us, *not to be rash with our Mouths, nor hasty to utter anything before God, who is in Heaven, and we upon the Earth*, Eccles. V. 2. 'Tis evident, that all

Nations have so fully believed the Sacredness of an Oath, that they have endeavoured to make it as Solemn and Venerable as they could. *Orpheus* imposed an Oath upon his Scholars (not to reveal the Secrets of his Art to Profane Ears) *with all the Authority which Religious Terror could give it* (a):

(a) Julius  
Firinic. pref.  
ad 7. lib.  
Math.

It would be too tedious to reckon up all the Religious Ceremonies by which the *Gentiles* made their Oaths Sacred: their use of *Priests* and *Temples*, *Altars* and *Sacrifices*, on this Occasion, were all intended to teach Men that Golden Precept of *Pythagoras*, Σέβε' Ὁρκον. To Reverence an Oath, and to mind them, that they did Swear by a Greater than themselves. It may suffice to remark that among the *Jews* (who had nothing in higher esteem than the Book of the Law) He that took an Oath *was to stand up, and take the Book of the Law in his hand, and to Swear by the most Holy Name, or some*

(b) Maimon.  
tract. Sheb.  
cap. II.  
Moses Mi-  
kots. precep.  
aff. 123.

(c) Idem  
precep. Ne-  
gat. 241.

*other Name of God in the form of Invocation, or Execration, out of his own Mouth, or out of the Mouth of the Judge* (b). And they say, this is as much as if they swore by all that is written in that most holy Book (c). In like manner the Christians in solemn Swear-

ing

ing were wont to lay their Hands upon the *Holy Gospels*, a Custom at least as ancient as the Emperor *Justinians* Time, who mentions it in his Laws<sup>(d)</sup>; and he himself is recorded to have held the *Gospels* in his hand while he made a Publick Oath, *An. 535* <sup>(d) Ἀπομύ-  
νυς τῶν ἀγίων  
Ἐυαγγελίων  
ὁμνῶναι</sup> Just. *Authent. collar.*  
<sup>(e)</sup>; and that this was a Custom universally <sup>9. Tit. 7.  
Nov. 124.  
Cap. I. p. 176.</sup> observed in those days, may be seen by di-  
vers Instances in *Procopius* <sup>(f)</sup>. And this <sup>(e) Chronic.  
Alex. An.  
535. p. 91.</sup> Rite hath been used ever since, the Person  
who Swears being to say, *As God shall help*  
*me, and the Contents of this Book:* which is so  
great and dreadful a Wish, that none who  
understand and consider it can speak it  
without trembling; for since all our hopes  
of Heaven depend upon Gods help and the  
Promise of the Holy Gospel, We thus de-  
votè our Souls to Damnation if our Asser-  
tions be not true. And for this cause due  
Care should be taken in all Courts of Judi-  
cature, that Oaths should be administred  
with all Gravity and Religious Reverence,  
and, if possible, by those of the greatest Au-  
thority present. Since the outward Solem-  
nities in all Religious Acts have a mighty  
influence on the Mind, and do tend to  
make Men perform them more seriously and  
de-

devoutly. Yea, it ought to be considered, Whether the slight and irreverent giving of Oaths (too common in our Courts of Justice) do not give Ignorant and Evil men too much occasion, to think the breaking of them to be a light matter: it would be an infinite Scandal, if we should say our Prayers, or receive the Sacrament in so hasty and slight a Manner; yet an Oath is a part of Gods immediate Worship, as well as Prayer and Sacraments, and this is as direct an Address to God as either of those; yea, we may reckon this the more dreadful, since *there* we only make Applications to his Mercy, *here* we devote our selves to his Justice; so that our Oaths should be made as solemnly as our Prayers. And here I can but observe the Piety of the Ancients, who Or-dained, *Oaths should be taken Fasting*. A Rite of equal Piety and Antiquity, for *Abimelech* and *Isaac* had their Federal Feast over Night (saith the Text) *They rose early in the Morning and sware one to another*, Gen. xxvi. 31. as being then Fasting, and fit for this great Act of Religion. And it is probable, the frequent use of Oaths in Judgment, was the cause why of Old all Judicial Enquiries were



were made in the Morning: *Execute Judgment in the Morning*, saith *Jeremy* (g); and, (g) Jer. 21. 12.  
*Wo be to that Land* (saith *Solomon*,) *whose Princes Eat in the Morning* (h), that is, before (h) Eccles. 10. 16.  
 they have sat in Judgment. *Socrates* also was wont to say, *The Evening is for Feasts, the Morning for doing Justice* (i). Yea, there is an Ancient Gallican Law of *Charles the Great*, which Commands, *That Courts of Justice shall be holden Fasting* (k), that so both the Givers and Takers of Oaths might be serious, and fit for this so Solemn piece of Religion. And, because *Matrimony* it self is a Religious Oath, therefore our Old Canons fixed the celebration of it to be between the Hours of Eight and Twelve; that so the Parties might make that Oath in their *Fasting-Spittle* (l), as the words of the Canon are. All which ought to instruct and admonish those in Power, to Reform as much as in them lies, the scandalous and mischievous Corruption of slight giving Oaths in Judgment, and to reduce this piece of Religion to its due Esteem amongst us.

(i) *Vespere convivium mane judicium.*  
 DiEt. Socrat.  
 (k) *Placitum tenere Comes nisi jejunus non debet.*  
 Capit. l. 3. c. 38. &  
 3. Cap. An. 803. c. 15.  
 (l) *Synod. Winton. An. 1308. apud Spelm. Concil. T. 2. pag. 448.*

Secondly, The Text informs us of the Reason of an Oath, or the Cause which moves



moves a Man to take it; which is, that it may be (*ἡς βεβαίωσιν*) *For Confirmation*. The Heart of Man is deep and deceitful, so that none but only God knows whether mens Words and Hearts agree: And Evil men (being assured no Mortal can discover their Thoughts) hence presume, for Gain, or to favour a Friend, yea to hurt a Foe sometimes, to speak what they know to be false. But though no Man can disprove them, the God of Truth sees their Hearts; And therefore All Nations have used to enjoin Men, to call upon the All-seeing God to attest the Truth of what they say, with a wish of destruction to Themselves, if the Divine Majesty, who knows their Thoughts, do not allow their Words for Truth. And because it may well be supposed, none will dare to do this open Affront to the God of Heaven, nor expose themselves to his Vengeance, who will discover, and can destroy them if they speak falsely: Therefore an Oath is the *most solemn Confirmation of what we affirm in doubtful Cases, the readiest way to gain credit to our Words, and the most Sacred security we can give for our Truth and Veracity (m)*. Hence *Philo* calls it, *The firmest Pledge of our Fidelity*:

(m) Τὸ τε π-  
σθλὴναι χά-  
ειν ἀπ' αὐμέ-  
νοι καταφά-  
γυσιν, ἐφ' ὅς-  
πον οἱ ἄνθρω-  
ποι.  
Philo, de  
Sacr. Cain  
& Abel,  
p. 146.

*Fidelity: and Diodorus Siculus, The greatest assurance of Faith among Men. Our Ancestors (saith Cicero) esteemed no Bond so sure to bind us to be Faithful, as an Oath; the Law of the Twelve Tables shews this, the Sacrifices, and the Leagues by which we bind our selves to be true to our very Enemies, shew it (n). And this is the Reason why all the World hath used Oaths in Judicature, to be as a Pledge and Security for the Truth of that Evidence given there, upon which all Causes usually depend. And though some might speak the Truth there without an Oath, as many good Men would perform their Promise without a Bond; yet the difficulty of discerning honest Men from Hypocrites, makes this Caution necessary: And all Witnesses in Judgment are required to use an Oath for Confirmation of what they say (o), unless their peculiar Character give them such credibility as to exempt them; on which ground Jupiters Priests of Old, and the Christian Clergy in the Middle times, as also the Nobility in Our days, have been excused from Formal Oaths, as I could easily prove. But generally, Oaths are thought so necessary in Judgment, that in the Old*

E                      Canons

(n) Cicer.  
Offic. lib. 3.

(o) Μετ' ὅπου  
ὁρῶντες ἐν δὴ  
κατασκευασ-  
ταῖς μαρτυρίαις  
ἀμετρίως  
Πλουτ. de Au-  
dit. pag. 46.

Canons, it is the same thing to set down the Days in which no Oaths shall be taken, and to fix the Times when no Causes shall be Tried: So that the first Original of our *Non-Term* and *Vacation* in Law Proceedings are derived from the Canons which prohibit the Use of Oaths at those Times (p). But to proceed; Since an Oath is so Solemn a Confirmation of our Truth, by calling God to Witness, the *Pythagoreans* allowed none to Swear in Light matters, especially not in a trifling Action for a small Debt (q); and *Clinias*, a Philosopher of that Sect, chose rather to pay three Talents unjustly, than to free himself by an Oath (r). Which Example may justly shame many Christians, who trouble our Courts, and engage many to Swear on far less occasion. Again, the same *Pythagoreans* permitted none to Swear concerning Things contingent, future and uncertain; affirming, it was neither fit nor safe to Swear in such Cases (s). The Grecian Laws also admitted none to Swear what they heard by Hear-say only: And the Ancient Germans suffered not an Oath to be taken, but when there was no other way of finding out the Truth (t).

For

(p) *Vide*  
Selden, *Synedr.* l. 2.

c. 11. p. 303.

(q) Ἐπειὶς δὲ  
Χρησάτων  
μὴ δὲν δίδω  
αἰμοσύνης  
Hocr.

(r) D. Basil.  
hom. 24.

*Nec deus in-  
terfit, nisi  
dignus vin-  
dice nodus.*

(s) Ἐπεὶ ἀξίον  
ἐστὶ αὐτῷ  
δουλοῦναι ἢ τ'  
ἀποδιδέσθαι

Hierocles.

(t) In his,  
vero causis  
Sacramenta  
praesentur,  
in quibus  
nullam pro-  
bationem  
discussio ju-  
dicantis in-  
venit.

Leges Ba-  
joar. apud  
Capitular.  
T. 1. p. 119.  
Tit. 8 c. 16.  
An. 630.

For since every Man that Swears, pawns his Soul in Security for his Integrity, this ought not to be required but in weighty Causes, nor to be taken but on Sure grounds. This is a Mans last Security for his Truth, and if he once falsifie this, none can ever Trust him after, no Bond can hold him: Which our Noble King *Henry* the First well knew, when he generously refused the Popes base Offer to Absolve him from his Oath, saying, *Who will ever trust another hereafter, when they see by my Example, an Absolution can make void the highest Bond of Faith (u).* Now, from this account of the Reason of Taking an Oath, *to be for Confirmation*, we shall draw this Inference:

(u) Eadmeri  
histor. l. 5.  
pag. 126.

That it is a huge Folly, and a great Impiety, to use *Oaths* upon a slight occasion, or in Common discourse, where there can be no need of this high and Sacred confirmation of our Words by God's Name, unless we have so ill behaved our selves that none can Trust us, without Pawning our Souls for every thing we say; yet by using this Religious and Sacred *Confirmation* to every Trifle, we make our very Oaths so cheap and contemptible, that we are Trusted

the less, and not the more, for our Vain-Swearing. But, besides the Folly of this vile Custom, it is a grievous Sin, being the most exprefs breach of the Third Commandement, and the most profane way of *Taking the Name of God in Vain*; and though Men may account this a small Fault in themselves, or their Friend, God (who is to be our Judge) *will not hold them guiltless who commit it: He will not clear them, nor let it go unpunished, He will certainly condemn them in the Last Judgment* (w). As the other Translation reads that dreadful place. And as this Sin is condemned in the Old Law, so this Swearing in our *Communication*, is strictly forbidden above all things (*James V. 12.*) in the New Testament. Yea, the very Heathens condemn the Common using Gods Name (x); and *Hierocles* very expressly saith, *We must not use an Oath frequently, nor on ordinary Occasions, nor for filling up our Discourse, nor to confirm every Story we relate; — for by the Custom of Swearing often, Men soon fall to Swear falsely: which is the same with that of S. James, — lest we fall into Hypocrisie.* It is no doubt a horrid Impiety, to make the Dreadful Name of GOD, and his Terrible Attri-

(w) LXX.

Οὐ μὴ ἁπα-  
λείη.Non impuni-  
tum dimittit.

Varab.

Neque enim

non reum ha-

bebit cum

Dominus in

die Judicii

magni.

Chal. Par.

(x) Τὸν Θεὸν

ὁρῶμεν μὴ

ὑπερβαίνειν πα-

ράς. Plato.

Attributes so cheap and vile, as to bring them to Attest the most foolish, false, or filthy things, which we vent in the Vainest Company; and argues a Mind that either denies the Being of God, or at least forgets his Power; and besides, that it is the most daring Abuse to Heaven, it is also a high Affront to all the Publick Judicatories in the World, since the highest Security that can be given for our Truth there, the most Sacred Bond of Human Society, the most Religious Pledge of a Mans Fidelity, on which all our Lives and Fortunes may depend; is by this bold Impiety rendred Mean and Contemptible, prostituted to the Scorn of the Atheistical and Profane, yea, and made as Weak and unsecure, as it is Common and despised. A Sin without any Temptation to invite to it, or any Excuse to be made for it; having neither Honour, Pleasure, nor Profit in it, unless we count it Reputation to Dishonour God, Pleasure to play with Thunder, or Profit to destroy those Immortal Souls of ours, that are of more Value than a Thousand Worlds: A Wickedness taken up only by Imitation, and got by the cursed Society of the Debauched and Profane;



fane; and the continuance in it is the more unpardonable, because it may easily and certainly be amended, by a few serious Thoughts of God's Majesty, by using the Company of Grave and Pious Men, and either giving them the freedom to admonish us, or imposing a small Penance on our selves for every Offence, till the wretched Custom be overcome. Surely, none but a Professed Atheist doth ever commit this Crime, but meerly by Inconsideration; and therefore all others (I hope) may easily be reduced by those Methods, from the Profaning Gods holy Name, and exposing this Venerable part of Religion: to which, if this Discourse may be subservient, I shall rejoyce that I have rescued the Sacredness of Oaths from any degrees of Contempt.

Thirdly, I shall proceed to the last Particular in the Text, *viz. The end of an Oath*, or the Cause moving Magistrates to require it, that it may be *an End of all strife*: for the Accuser impeaches, and the Accused pleads Not Guilty, the Plaintiff demands, and the Defendant denies; this is literally, *Ἀντιλογία*, *Controversie*, or *Strife*; and lest these contrary Speeches should produce perpetual Wrangling,



Wrangling, the Witnesses Oaths are required, that by the Truth they speak, for which they bring in Almighty God for their Voucher, the Cause may be determined, and the Strife ended. And from this use of an Oath, by the Name of God, the Divine Majesty himself doth, as it were, Judge between the Parties; and so I understand that Common Phrase of being tried, *By God and our Country*, to signifie, *By the Witnesses Oath, and the Jurors Verdict*: for Justinian saith by this use of Oaths, Men seem to enter a Holy Temple when they come before a Tribunal—and God, rather than Man, appears to decide the Cause (y). Truth (as the Ancients speak) lies in a deep Pit, and if any thing will draw it out, it must be the Fear of God, who is thus set before the Witnesses Eyes, to engage them by all their hopes of Mercy, to speak the Truth, the whole Truth, and nothing but the Truth: And therefore, not only the Apostle, but the Civil Law, calls it, *The best Means to determine Causes* (z). And the common Consent of Mankind, hath made all our Lives, Liberties, and Estates, to depend upon an Oath whensoever they are in question, supposing this to be the surest and most Sacred guard unto them. Nor is it without great

reason,

(y) *Pro judi-  
ciis putabant  
homines se  
in Sacris  
sisti — & pro  
hominibus  
Deum in  
omnibus cau-  
sis iudicem  
esse. Cod. l. 2.  
Tit. 59. l. 3.  
§. 8 p. 83.*  
(z) *Maxi-  
mum diri-  
mendaram  
causarum  
remedium.  
Cod. ibid.  
p. 83.*

reason that so much stress is laid upon Religious Oaths, since though another Man seem thereby to have our Lives and Estates in his Power; yet by this solemn Swearing He stakes his own Body and Soul, his Temporal and Eternal Welfare, against them: and since he can only bring us by a False Oath under some Temporal Penalty, while he firmly devotes himself to Eternal Vengeance, he runs the greater Risque, and loses most of the two, who Swears falsely, if he do but rightly consider it. For, as *Plutarch* notes, *Every Oath contains, either expressly or implicitly, a Curse on the Taker, if it be false* (a). And though these Curses are variously expressed, and sometimes only supposed, yet they are very dreadful: so that the *Jews*, who might not use Ominous words, chose rather to Swear Elliptically, than to express what was so horrid: So *Moses* Swears (b)—*if you have not the Land, and there stops; but we are to understand, Let me suffer all the Plagues due to Perjury: yea, God himself imitates this form, I swear in my Wrath, if they shall enter into my rest, Hebr. iv. 3.* where again the Curse is understood. And the Scholiast upon *Aristophanes* observes, *It was an Ancient Custom thus to Swear Ellip-*

(a) Πᾶς ὅρκος  
εἰς κατὰ τὴν  
πλὴν τῆς  
ὁμοφροσύνης  
Plut. quest.  
Rom.

(b) Josh. 14.  
9.

*Elliptically to avoid all Ominous words*(c). Yet sometimes these words were expressed in most terrible forms against the Gentiles, *Let the gods destroy me*(d); *Let the Divine Vengeance fall upon my own head, and my whole Family*(e). And to make this more Solemn, they used divers Ceremonies, as that of casting away a Stone, and wishing, *The gods might so cast them out of all the City and Capitol being safe*) if they did wittingly Swear falsely (f). So also the killing of some Beast in Sacrifice, and wishing, *They might be so slain, if they did not speak Truth*(g): And the quenching a Flaming Torch suddenly, and praying, *Their Life and Light might be so put out, if they deceived* \*; Which last Ceremony was sometimes used amongst Christians, and was solemnly performed in this Nation, when the Oaths were taken to confirm *Magna Charta*. And though in our Modern Courts we now abstain from Ominous Words, contenting our selves with that very Ancient Form, *So help me God*(h), yet the Sense duly considered, is as high, as full, and as terrible as any of the former; for if we Swear falsely, we wish, *That Gods Grace and Favour, his Mercy and Providence, may forsake us; that he may never help us here nor hereafter, but leave us to perish in this World, and in the World to come*. And oh, how dreadful an Im-

(c) *Mā tōv Ariltoφ. Ran. 5. 2. Scholiast. ἄλληπιικῶς θυμύειν ἐθῶ- τὴς ἀρχαίας — εἰς τὰς δὲ τὴς τοῖς τοῖς ἔρχοις χεῖρ' αὐ- ἱπδομῶς ο- μῖνος* Ioid.  
(d) *Sueton. Tiber. c. 2. 1.*  
(e) *Plin. Pa- negy. f* Festus *de verb. sig- nif. verb. Lapis, p. 82.*  
(g) *Liv. hist. Rom. lib. 2. 1.*  
\* *Polybii, hist. lib. 3.*  
(h) *Ita me dii ament. Plaut. Bac- chid. 4. 8. Ira Deos mihi velim propitios. Cicero de Divin.*

preca-

precation is this, *He that after his Pledge given for his Truth, dares tell a Lie for favour or Malice, neither fears God, nor loves himself; he is a desperate Wretch, unfit for Human Society, and really doth far more mischief to himself than to his Adversary.* And since an *Oath* is thus guarded, we may well be content it should end all Strife among us, for no greater Security under Heaven can be given or devised. Now from this description of the *End of an Oath*, we will observe,

*That Perjury, especially in Courts of Justice, is a heinous and horrid Impiety: the very End of these Courts is to find out Truth, and But to speak falsely there, though by such as are not upon their Oath, is to affront the Vice-gerents of God, and wickedly to design to pervert Judgment, as well as to make that holy Institution useless, which is the great Security of all Societies. But when Men come to Swear, God himself is directly appealed to, the Searcher of all Hearts is set upon the Tribunal, and the Perjured Wretch Lies not unto Men, but unto God, Acts V. 4. He defies the King of Heaven to his face, and affronts him openly in some of his tenderest Attributes, disbelieving his Truth, trampling on his Justice, and despising his Power; yea, he makes (as much as in him lies) the Righteous God a Party to that Falshood, by which*  
 he

he Murders or Robs his Neighbour; saying, as *Philo* hath elegantly expressed it, *O God, I should not be believed but for thy Name, and therefore I use thee for the Cloak of my Injustice; I would not be discovered in my sin, do thou help me, and take the blame on thy self; for though I am a Transgressor by thy Name, I shall pass for an Honest man; thou neither lovest Truth, nor punishest Falshood* (i). This horrid Blaphemy is the import of all Perjury, the very Image of the False-Swearers Thoughts, and can any thing be more wicked? This accursed Sin, not only flies in the Face of God, but by gilding *fatal Lies* with his Name, misleads that Sacred Authority he hath set over us for securing our Rights, and endeavours to make that the Instrument of their Revenge and Cruelty; it imposes upon the most upright *Juries*, with design to make them Partners in the Crime; it robs an Innocent man of his *good Name*, his *Estate*, his *Liberty*, nay, his very *Life*, if their *false Witness* be believed: Or if the *Jurors* be the *Perjured Men*, in spite of all Evidence, it rescues the greatest and most dangerous Malefactors (by a *Partiality* that defies Heaven) from the Justice of the Law, and encourages not only them, but others to commit the like Crimes. And whosoever they be, *Jurors* or *Witnesses*, who regard not their *Oaths*, They

(i) *Philo de legibus in Specie differ.*



do what in them lies, to *subvert* the Laws, to *take away* the Administration of Justice, and to *ruine* the Community they live in, by baffling this Great and Sacred Instrument of our Peace and Safety. If they do this for *Fear* or *Favour*, it shews they value *Men* more than *God*, and dare purchase Their Love with his utmost Displeasure: If they are Perjur'd for *Hire*, they sell their Souls for a Vile Price, and purchase a *Reversion* in Hell, which they shall inherit for ever: If they do it in *Malice*, it is like the Crime of *Witches*, who give their Souls to the *Devil* for ever, to be enabled to do a transient harm to their Neighbours. And whatever be the *Principle* it springs from, yea, and whatever event it have as to the Party Accused, the Perjur'd Man devotes himself to all the *Curses* in Gods Book, and cuts himself off from all hope of the *Divine Help* for ever; and therefore the *Old Romans* allotted no Human Punishment for this Sin, but left the *Criminal* to the more terrible Vengeance of the *gods*, who were most directly affronted by it (*k*); the *Greeks* believed, it brought ruine and destruction to the *Man*, and all his *Posterity* (*l*). Yet, lest these who fear none but *Human Penalties* should be hardened by Impunity from *Men*, (for if they dreaded the Vengeance of *God* they durst not commit this Crime) therefore

it

(k) Tertul.  
Apol. c. 28.  
Jerem Re-  
script. Alex.  
Aug. Imp.  
(l) Hesiod.  
Epy. 2. 514.



it was Ordained, that if any were convicted of Perjury, who had sworn on the Holy Gospels, his Tongue should be cut out, as of no use for ever after (m). And all Laws (m) Eclog. Leonis & Constant. Tit. 28. §. 2. deprive these Wretches of the Priviledge of giving Testimony in any other Cause, and their Credit is Eternally blasted. The Indians cut off their Fingers and Toes, to reduce them to Beggery and Shame; the Egyptians put them to Death, as unworthy to Live among Mankind after so inexcusable a Wickedness. But whatever they suffer here, Damnation doth await them in the next World, unless they do Repent sincerely, and make Satisfaction also. But I hope, we need aggravate this Crime no further; but having surveyed all the Particulars of the Text, may now pass to the Application. And that which naturally follows from the Premisses, is,

First, That all Persons concerned be very Cautious in taking Oaths, and that when they come to Swear, they do it with all Religious Fear and Reverence; not only as being immediately in Gods Presence, but as making a direct Appeal to him, and offering their Souls as a Pledge for the Truth of what they shall speak; and though the thing they Swear be never so True, yet this Application is so venerable, and so high a piece of Religion, that it ought to be done with all Gravity

vity and *humble Reverence*; and if they be so taken, to confirm a known and certain *Truth*, they do exceedingly tend to the *Honour of God*, and to the *Benefit of Mankind*, and are so very lawful, that we may as well scruple to make Application to Gods *Mercy* in Prayer, as to his *Truth* in Solemn Swearing, on a Just Occasion; especially, since it is evident by Reason and Universal Practice, that the *World* cannot well be Governed, nor *Justice* Dispensed without them; and it is the Abuse of them, not the Serious and Just use of *Oaths*, that ought to be avoided.

Secondly, When we have taken them, let us be very fearful of breaking them, and make Conscience of answering and acting in every Point agreeable to what we have Sworn; let us fear no Anger, but that of *Heaven*, nor seek no Favour, but that of God, nor wish for any Gain, but the Peace of a good Conscience. We see, that the Laws of God and Men have put the End of all Strife upon our Fidelity, supposing we are *Christians* and *Honest men*, who Fear the Lord of Hosts, and value our own Souls, and we have given the greatest Security under Heaven, that we will be Impartial. Now, how vile and infamous a Crime will it be in us, to betray his Trust, to abuse the Judge of all the World, and his Vice-gerents, to wrong the Innocent, and

and destroy our own Souls? One would imagine; nothing could tempt a Rational Man to such an Act; if the too frequent and sad Experience of *Opposite*, yea of *Contradictory Oaths* (in this Impious Age of ours) did not convince us, that nothing is too monstrous or unreasonable for an *Ill Man* to do. If *Papish Zealots*, by Assurances of *Dispensation*, were the only Persons, who assumed the Impudence to commit this Crime, it would not be so very strange: But for Us, who say, *No Power on Earth can Cancel this Sacred Bond of an Oath*, for Us to Perjure our selves, is at once our Shame, and the Worlds Wonder; doubtless such Men deserve not only the bare Punishments of the Law, but to suffer an Universal Detestation, that as they are the *Bane* of our Government, the *Scandal* of our Religion, and the *Enemies* of God, so they may be esteemed and treated as the *Foes* of all Mankind, until by *Sorrow* and *Repentance* they shall own their *Faults*, and return to a better *Mind*.

Finally, Let us Bless the *Holy Name* of God for our Good Laws, and the *Security* we enjoy by them, since no Man can hurt us in *Body*, in *Goods*, or *Good Name*, without venturing the *Damnation* of his own Soul; we have excellent Methods to find out the *Guilty*, and clear the *Innocent*. And  
though

though Evil Men will claim *unjustly*, accuse *falsly*, or deny their *Guilt* impudently, yet while we have so *Just* and so *Prudent Magistrates* on Earth, and so *Righteous* and *Powerful* a *G O D* in Heaven, we may rationally hope, that all *Perjury*, *Falshood*, and *Injustice*, shall be discovered either Here, or Hereafter. *Cicero* mentions a False-witness at *Rome*, who was struck Dumb just as He was pronouncing that part of his Oath, — *If I willingly speak falsly* (n). But if such Vengeance be not Now presently executed, let us not despair; for there is a Great *Assize* coming, where all *Errors* in Judgment shall be rectified, and all *False-Swearers* discovered and condemned. But it would prevent many a sad Sentence at that *Dreadful Day*, and hinder all Publick *Injustice* here, if all that are called to this Duty would very seriously remember, That *They Swear* by the *Greater*; and so their *Oath* for Confirmation, would ever be a *Just End of all Strife*: Which God of His Mercy grant, for *Jesus Christs sake*; to whom, with the *Father* and the *Holy Spirit*, be all *Honour* and *Glory*, now, and for evermore, Amen.

(n) Cicero,  
Epist. l. 7.  
ep. 1.

*Ex. J. S.*  
F I N I S.

